

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

HEON YOO,
Petitioner,

v.

ERIC WILSON, Warden, FMC-Fort Worth,
Respondent.

Civil Action No. 4:21-CV-411-O

**NOTICE OF MOOTNESS DUE TO PETITIONER'S
RELEASE FROM CUSTODY**

In the petition for a writ of habeas corpus under 28 U.S.C. § 2241, Petitioner Heon Yoo is challenging Bureau of Prisons (BOP) incident report wherein he received discipline and lost good time days. As relief, Yoo seeks expungement of the report and twenty-seven days added to his good time. Respondent requests that the Court dismiss this action under Federal Rule of Civil Procedure 12(b)(1). Dismissal is appropriate because after Yoo filed the underlying petition, he was released from BOP custody after serving his sentence on May 13, 2021. (*See attached Exhibit A.*)

Under Article III of the Constitution, federal courts may adjudicate only “actual, ongoing cases or controversies.” *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988); *Alwan v. Ashcroft*, 388 F.3d 507, 511 (5th Cir. 2004). “An actual controversy must be extant at all stages of review, not merely at the time the complaint is filed.” *Alvarez v. Smith*, 558 U.S. 87, 92 (2009) (citations omitted). If a dispute has been resolved or if it has evanesced because of changed circumstances, including the passage of time, it is considered moot. *AMA v. Bowen*, 857 F.2d 267, 270 (5th Cir. 1988). A case is moot when the court can no longer grant any effectual relief. *See Motient Corp. v. Dondero*,

529 F.3d 532, 537 (5th Cir.2008). If a controversy is moot, the trial courts lack subject matter jurisdiction. *Carr v. Saucier*, 582 F.2d 14, 15-16 (5th Cir. 1978).

Given that Yoo has been released from custody, he has received all of the relief that he requested and to which he would be entitled if successful in his petition, so there is no further relief that the Court may award. Accordingly, the Court should dismiss this habeas petition for lack of jurisdiction as moot.

Respectfully submitted,

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Attorneys for Respondent

CERTIFICATE OF SERVICE

On June 1, 2021, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Ann E. Cruce-Haag
ANN E. CRUCE-HAAG
Assistant United States Attorney

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HEON JONG YOO
Register Number: 27731-078

Age: 27
Race: Asian
Sex: Male

Released On: 05/13/2021

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